

**OFFICE OF THE BOARD OF HEALTH**

**Town of Arlington**

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**Board of Health Meeting Minutes**

**Tuesday, May 10, 2005**

**First Floor Conference Room**

**Senior Center**

**5:00pm**

*Board Members in Attendance: Dr. Carole Allen, Mr. Gregory Leonardos (Chair), and Dr. Michael Fitzpatrick.*

*Staff in Attendance: Christine Connolly, Director of Public Health, Denise Boucher, Health Inspector, Mary Ann Jacobs, Department Secretary*

- I Minutes of April 5, 2005 were accepted as read.
- II VIOLATION DISCUSSION: Kate Hill, 18 Hamilton Road #106  
This article was moved to later in the agenda.
- III VARIANCE REQUEST: Samir Isweis, Sabatino's Italian Kitchen  
Samir Isweis appeared before the Board to request a variance to allow pizza and calzone to be left at room temperature providing there is no meat or poultry in the ingredients. A variance had been granted in 2002 that is now expired. Samir wishes to continue with a variance using only vegetables, cheese and cured meats such as pepperoni and sausage. Denise Boucher described using time as a public health control instead of temperature, meaning it is not necessary to keep pizza below 41° or above 140° with certain restrictions. It is necessary to have a written schedule visible at all times for an inspector to be able to see the exact time a pizza or calzone was taken out of the oven, and after a maximum of four hours, the pizza or calzone has been discarded. A motion was made that a written schedule including a plan be presented to the BOH before a variance is granted to allow pizza and calzone be left out providing there is no meat or poultry in the ingredients. Once the plan is reviewed and approved by the BOH, the variance will be granted. The motion was seconded.
- IV UPDATE: Fiscal Year 2006 Budgets  
Connolly reported that as a result of the financial situation the town is currently in, an override vote will take place on June 11, 2005. If the override does not pass, the department secretary's hours will be cut, there will be no mosquito control program, which costs approximately \$8200 per year. This is unfortunate because of the heavy snow we received all winter long, and the wet spring we are experiencing, there is a prediction there will be a lot of mosquitoes, which makes it the worst time to cut these programs.
- V UPDATE: Article 21 Town Meeting: Noise Abatement Study Committee bylaw proposal  
The Noise Abatement Study Committee is proposing to the Town Meeting a noise bylaw that

would outline noise levels to control construction noise beyond 85 decibels. This would not only require costly equipment to measure noise; but also the cost of training persons to operate these noise meters, and the time required to regulate and enforce the law, which can be very complicated, results in a very costly investment for the town.

- VI HEARING REQUEST: Attorney Albie Cullen for David Wilfert, 60 Pleasant Street Unit 304 Present were Albert F. Cullen, Jr., Albert F. Cullen, III, and David Wilfert. David Wilfert owns 80% of 60 Pleasant Street including Unit 304. The tenant in this unit called complaining of water leaking through the ceiling into her bathroom and closet. A call from Mr. Wilfert followed shortly after the tenant's call requesting an inspection of the unit. Denise Boucher conducted an inspection with tenant of unit 304 along with Mr. Wilfert and nephew, Jim Wilfert. Denise noted a water leak in the closet and bathroom during inspection. At Mr. Wilfert's request, a further inspection of Unit #404, directly above #304, was also performed, at that time Denise did not notice any evidence of water on the kitchen or bathroom floors. An order was issued to Mr. Wilfert, the owner of Units 304 and 404, to investigate the source of the leak and resolve the problem. Wilfert and Attorneys claim the leak is caused by tenant in Unit 404 running the shower without a shower curtain. An eviction notice has been issued to the tenant in Unit 404. A motion was made by Michael Fitzpatrick to grant a continuance in order to allow more time for further investigation as to the cause of the water seeping down to the units below.
- It was agreed that the continuance would run until the date of the next Board Meeting, June 14, 2005.

- V VIOLATION DISCUSSION: Kate Hill, 18 Hamilton Road #106
- Kate Hill did not show for this hearing: Denise Boucher has been conducting the inspections at this property. Denise reported this problem has been ongoing since 1997 because of complaints from neighbors about odors coming from Kate Hill's unit. The BOH was allowed in for inspections and had issued guidelines to Kate for cleaning the unit to meet certain standards for her own personal safety as well as eliminating odors, controlling insect and rodent problems, etc. Following frequent inspections, there was some slight progress being made. Within the last six months, however, the BOH received another complaint and the latest inspection showed regression and the condition of the unit worsening. Kate Hill had been summoned before the Board in order for the Board to emphasize the importance of her own safety in her unit as well the safety of the public and cleanliness for the complex. A letter will be issued and served by a constable with very clear terms that steps must be taken immediately to improve the situation in her unit and that she is to appear at a hearing with the Board on June 14, 2005 at which time a hearing to condemn the unit will be conducted.

- VIII PRESENTATION: Andrew Fischer, Community Based Health Insurance
- There have been two newspaper articles pertaining to the subject in the Arlington Advocate, copies of which Andrew had emailed to the Board. It is a very difficult time for the town with resources so threatened, therefore, it is very doubtful that the Town Meeting would be in a position to take this topic under consideration at this time.

Adjourn. Next meeting June 14, 2005, 5:00pm Ground Floor Conference Room, 27 Maple Street.